

Vermont Board of Land Surveyors
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402

Approved Minutes
Meeting of Tuesday, November 17, 2009

1. The meeting was called to order at 9:00 A.M.

Members present: Larry Walter, L.S., Chairman; Shane B. Clark, L.S., Vice-Chairman; Timothy J. Ruggles, P.E., Secretary; Albert (Terry) Harris, L.S.; Jonathan R. Abts, L.S.; Charles Rockwell, L.S.; and Dorothy Hayden.

OPR Personnel present: Larry S. Novins, Board Counsel, Gregg Meyer, State Prosecuting Attorney, Carla Preston, Unit Administrator, and Kara Shangraw, Administrative Assistant.

Others present: Robert D'Orazio

2. The Chair called for approval of the Minutes of the September 15th meeting. Mr. Harris made a motion, seconded by Mr. Clark, to approve the Minutes of the September 15, 2009 as submitted. The question was called and the motion passed unanimously.
3. Legislation/Rulemaking

The Board reviewed the latest draft of the portfolio. Attorney Novins will send out a new version which includes the updates.
4. Reports - None
5. Hearings/Stipulations and Consent Orders
 - a. The Board considered a *revised Stipulation and Consent Order* (Order) in the matter of Warren A. Robenstien, Docket Number 2007-259 (LS01-0807). The Respondent was not present. Attorney Novins presided for the Board. Attorney Meyer was present for the State. The Order was rejected by the Board at its July 21st and September 15th meetings. The Stipulation and Consent Order included recommendations from the prior meetings. Mr. Harris made a motion, seconded by Mr. Rockwell, to accept the Stipulation and Consent Order as revised. The question was called and the motion passed unanimously.
6. Exam Question Databank Review

Review of proposed examination questions was tabled.
7. Reports of Concluded Investigations/Complaint Status/Follow-up cases:

The Board reviewed the information submitted by Norman Smith for compliance with the Board's Order. The Board also reviewed Ms. Preston's September 2nd letter which referred him to the statutes and rules, more specifically, Title 26 V.S.A. § 2596 (a), Title 27 V.S.A. § 1403 (b) 1-8, and Section 5.5 of the Board's Rules regarding property and the filing of land plats. The Board found that Mr. Smith's Abstract and locus map are acceptable but the plat and survey sections were still deficient with regard to meeting the standards. Mr. Smith must demonstrate that the specific areas stated in Board Rule 5.5 are met to ensure that his plat is acceptable. Mr. Smith will be advised.

8. Applications

- a. The Board reviewed the results of the October administration of the Vermont Land Surveying Examination. Based on their successful completion of the Vermont Land Surveying Examination, the Board approved the following candidates for licensure.

Andrew Nadeau

Eric Pospesil

- b. Board Members reported on the status of the applications to which they are assigned as indicated below (See Appendix A). Ms. Preston and Ms. Shangraw reviewed the pending applications and noted the date of application, number of hours of experience submitted to date, the date of the last activity, etc. This information will be compared with Board liaison's information. Board members will verify the status of their applicants to compare with the spreadsheet. Notices will be sent to all applicants to verify their continued interest in becoming licensed as a Land Surveyor in the State of Vermont and advising them of what is needed to continue the process. All applicants will be encouraged to submit hours every six months as stated in Board Rule 2.7 (a) but at the very least once a year.

Mr. Harris noted that he had no action to report regarding his group of applicants.

Mr. Clark said he also had no activity from applicants to report.

- **Bradley Lackey** – Mr. Walter reported that Mr. Lackey was applying on the basis of Experience and Examination. He reviewed the work experience submitted under the supervision of licensed Land Surveyor Merrill Mundell, Jr. covering the period of April 1, 2007 through May 31, 2008 and recommended approval. Mr. Lackey will be asked to submit a new application because his original application cannot be located. The Board approved the hours bringing Mr. Lackey's total hours to date to 5228. Mr. Lackey will be notified.
- **Nathan O. Yager** – Mr. Abts reported that Mr. Yager is a new applicant applying on the basis of Education and Examination currently under the supervision of licensed Land Surveyor David Rose. He said Mr. Yager asked if he could submit hours from an out of state surveyor (NH). The Board noted that it would be acceptable as long as he submits the supervision form with the additional hours of experience he accumulated under the New Hampshire surveyor. Mr. Yager will be notified.
- **Jason Michael Riley** – Mr. Abts reported that Mr. Riley was under the supervision of David Hudson and that as of May of 2007 he is under supervision of licensed Land Surveyor Steven Fraser. Mr. Abts indicated that Mr. Riley submitted a summary sheet showing 6811 hours and separate time sheets without any totals. Mr. Abts said he reviewed all of the time sheets which indicated some experience that may not be acceptable toward his land surveying experience (i.e., engineering and construction surveying, Rule 2.7). The Board concluded that Mr. Riley must provide a breakdown of percentages applied to each category. In addition, the applicant must complete the spreadsheets provided online which asks for experience detail and the percentages covered. Mr. Riley must provide the additional information in the proper format covering a six-month block of time. Mr. Riley will be notified.
- **Philo E. Marcotte** – Mr. Rockwell reported that Mr. Marcotte was applying on the basis of Experience and Examination. He reviewed the work experience submitted under the supervision of licensed Land Surveyor Shane Clark and recommended approval. The Board approved Mr. Marcotte's hours bringing his total hours to date to 329.25. Mr. Marcotte will be notified.

8. Applications – Continued

- **Michael Falk** – Mr. Ruggles reported that Mr. Falk was applying on the basis of Experience and Examination. He reviewed the work experience submitted under the supervision of licensed Land Surveyor David Rose with 1809.5 hours covering the period of April 2008 through September 2009 and recommended approval. The Board approved the hours bringing Mr. Falk's total hours to date to 3762.75. Mr. Falk will be notified.

9. Continuing Education Courses – Education Committee to Report

The Continuing Education Committee, consisting of Terry Harris, Dorothy Hayden, and Larry Walter, reviewed the CE requests listed below.

- a. **“Mapping Floodplains: A Legal & Scientific Process**, submitted by McKissock 100% Education, was approved for a total of four (4) Professional Development Hours of continuing education credits. The program is an online course.
- b. **“Round Table Discussions and VECTOR Panel,”** submitted by the Vermont Society of Land Surveyors,” was approved for a total of six (6) Professional Development Hours of continuing education credits. The program will be offered on December 18, 2009.
 - Round Table Discussion (4 hours) – The approval number issued is CE013-1109
 - Annual Business Meeting (0.5 hours) – The approval number issued is CE014-1109
 - The Vermont Orthophoto Transition (1.5 hours) – The approval number issued is CE015-1109
- c. The Board reviewed the October 6th and October 22, 2009 letters and supporting information submitted by the New York State Association of Professional Land Surveyors for approval of continuing education credits. The programs will be offered on January 13 – 15, 2010. The Board took action as indicated below.
 - Ethical Practices for the Land Surveyor (4 hours) – Approval number issued, CE016-1109
 - Land Planning for Land Surveyors (4 hours) – Approval number issued, CE017-1109
 - Mobile Scanning in the New Economy (1.5 hours) – Approval number issued, CE018-1109
 - Movies, Princesses – Laser Scanning Hollywood Style (1 hour) – Approval number issued, CE019-1109
 - Zoning, Subdivision and the Law (4 hours) – Approval number issued, CE020-1109
 - Recent Issues in State, Country and Local Government Regulations (1.75 hours) – Approval Number issued, CE021-1109
 - Field to Finish AutoCAD – Civil 3D 2010 (3 hours) – Approval number issued, CE022-1109
 - Update NYSnet CORS/RTN (1.5 hours) – Approval number issued, CE023-1109
 - Managing Survey Records with GIS (3.5 hours) – Approval number issued, CE024-1109

The following courses were **not** approved because they are not related to the practice of land surveying in the State of Vermont.

- Strategies for Mixed Use Development
- Prefurbia – Redesigning the Suburbs from Disdainable to Sustainable
- Case Study Prefurbia Seminar
- Market Watch – Emerging Trends in Real Estate and Land Development
- Environmental and Ethical Issues in Land Development
- Adirondack Park Regional Planning Project
- Taking “DATA” from 2D to 3D
- Introducing Mixed Use Zones to Traditional Zones
- Certified Professional in Erosion and Sediment Control
- Increased Return on Investment from Your GIS

9. **Continuing Education Courses - Education Committee to Report – Continued**

- d. **“NHLSA 40th Anniversary Annual Meeting & Equipment Show and New England Surveying Societies (NESS) Conference”**- The Board reviewed the October 9, 2009 letter and supporting information submitted by the New Hampshire Land Surveyors Association for approval of continuing education credits. The programs will be offered on December 10-12, 2009. The Board took action as indicated below.
- The NSPS Trig Star Program: Past, Present, and Future (1 hour) – Approval number issued, CE025-1109
 - NGS’s Height Modernization Program: It’s Impact on New England (8 hours) – Approval number issued, CE026-1109
 - Machine Control and the Land Surveyor: A Panel Discussion...not an argument (3 hours) – Approval number issued, CE027-1109
 - Capturing Reality: Integrating Scanning and Imaging Technology into Existing Survey Workflows – Approval number issued, CE028-1109
 - The Survey Field to Finish Tools of Civil 3D 2010 (1 hour) – Approval number issued, CE029-1109
 - Viewing Your 3D Future: Man or Machine (2 hours) – Approval number issued, CE030-1109
 - The History of Land Surveying in New Hampshire: 1775 -1840 (4 hours) – Approval number issued, CE031-1109
 - Autodesk Tips and Tricks for Surveyors and Civil Engineers (2 hours) – Approval number issued, CE032-1109
 - Update! Photogrammetry “A-Z” &L Targets vs. Picture Points (2 hours) – Approval number issued, CE033-1109
 - GIS on Pennies a Day: A Tour of Free Options for GIS Software (1 hour) – Approval number issued, CE034-1109
 - Making Maps the Google Way: Using Google Earth and Google Maps to Create Interactive Maps and Share Information (3 hours) – Approval number issued, CE035-1109
 - Accuracy & Precision: Reducing Errors with Modern Equipment (4 hours) – Approval number issued, CE036-1109
 - Colleges & Universities Panel Discussion (1 hour) – Approval number issued, CE037-1109
 - ABC’s of CAD Software...Autodesk, Bentley, and Carlson (4 hours) – Approval number issued, CE038-1109
 - The Role of Forensic Science in Land Surveying (7 hours) – Approval number issued, CE039-1109
 - Surveyors representing the N.E. Societies Round Table (3 hours) – Approval number issued, CE040-1109

The following courses were **not** approved because they are not related to the practice of land surveying in the State of Vermont.

- Board of Registration Panel Discussion
 - Board of Directors Panel Discussion
 - Lessons Learned from High Profile Cases
 - Unraveling the Mystery of Lyme: The Disease and its Treatment
- e. **“42nd Annual Meeting of Connecticut Association of Land Surveyors”** – The Board reviewed the October 13, 2009 letter and supporting information submitted by the Connecticut Association of Land Surveyors for approval of continuing education credits. The programs were offered on November 6, 2009. The Board took action as indicated below.
- Why GIS Needs Surveyors (2 hours) – Approval number issued, CE041-1109
 - The Survey Field to Finish Tools of Civil 3D 2010 (2 hours) – Approval number issued, CE042-1109

9. **Continuing Education Courses - Education Committee to Report – Continued**

- Practical Integration of GIS Workflows into a Surveying Practice's Business Model (2 hours) – Approval number issued, CE043-1109
- Photogrammetry A-Z (2 hours) – Approval number issued, CE044-1109
- Integration Survey – Definition and introduction to Integrated Surveying (2 hours) – Approval number issued, CE045-1109
- Surveys for Environmental Land Use Restrictions (2 hours) – Approval number issued, CE046-1109

The following courses were **not** approved because they are not related to the practice of land surveying in the State of Vermont.

- Surveying Certifications and Licensing, Questions and Answers (2 Hours)
- The Infinite Loop: How Four Big Ideas are Reshaping Investments
- GIS Attribute Data Collection with Carlson SuvCE
- Structural Monitoring

10. National Council of Examiners for Engineering and Surveying (NCEES) Correspondence

- a. The Board reviewed and noted miscellaneous correspondence from the NCEES.

11. Miscellaneous Correspondence

- a. The Board reviewed and approved Paul Greineder's seal.
- b. The Board reviewed the September 28, 2009 letter and renewal application from Raymond Smith Jr. regarding reactivation of his license which expired on September 30, 2006. He mailed (postmarked) his renewal application within three years from the expiration date (received October 1, 2009). Based on the formula mentioned in Board Rule 3.3 (3), Mr. Smith must submit a total of 30 PDH (10 x 3) continuing education credits. Mr. Smith does not have the required PDH to reactive his license. The Board agreed that his application was submitted within three years however it cannot be processed because he does not have the required continuing education thus is not eligible for renewal. Board Rule 6.7 that he mentioned concerning a make-up plan for his PDH, only applies to persons who have been audited. Since he is not eligible for reactivation under Rule 3.3 (a), he must apply under 3.3 (b), which requires retaking the Vermont Land Surveying Examination. He may also reapply on the basis of endorsement/comity from New York which also requires successful completion of the Vermont Land Surveying Examination. If Mr. Smith chooses to reinstate he must submit evidence of 30 PHD continuing education credits. He will be notified.
- c. The Board reviewed the November 10, 2009 E-mail from Jeffrey Gorton regarding licensure requirements. Mr. Gorton explained that he wanted to go to school in Wyoming and participate in an outreach program. He asked if that experience would qualify toward licensure. Based on the information he provided the Board noted that it would appear that most of the credits listed would be acceptable. The Board will refer him to Rule 2.4.1 and 2.4.2 for more information regarding education and examination, core credits and general areas of study required. The Board noted that a final decision would be subject to receipt and evaluation of his application.

11. Other Business Introduced by the Board

- A. The Board noted that the rules need to be updated with regard to continuing education requirements, late renewals within three years and for reinstatement, expired licenses for more than three years.
- B. The Board reviewed and updated some examination questions that needed further review. Several questions were deleted and others were modified for clarification.
- C. The Board corrected the spreadsheet that was online for candidates applying on the basis of Education and Examination. It was missing a formula thus did not add two columns.

12. Public Comment

Robert D'Orazio was present for various portions of the meeting but did not discuss any particular issues directly with the Board.

- 13. The next meeting is scheduled for Tuesday, January 19, 2010. Other meetings in 2010 are scheduled as follows: March 16th, May 18th, July 20th, September 21st, and November 16, 2010.
- 14. There being no further business, the meeting was adjourned at 3:10 P.M.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation

Appendix A

Name of Board Member Assigned		Terry Harris	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Cox, Christopher	David Coleman	617.5	
Langmaid, Jacob	Shane Clark		
McGowan, Hugh, A	Brian Lavery		
Noviello, Matthew			
Quackenbush, Everette			
Swedick, David	Patricia Kules	186.3	
Tommell, Jason			

Name of Board Member Assigned		Charles Rockwell	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Baker, Aaron	Ronald Taber	420.5	
Barnaby, Luke	Robert Townsend		
Barnes, Martin			
Lareau, John			
Marcotte, Philo	Shane Clark	329.25	
Paradee, Andrew	Patricia Skules/Douglas Henson	672.3	
Towne, Zebulon	Glenn Towne		

Name of Board Member Assigned		Larry Walter	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Duquette, Jonathan	Norbert Blais		
Fortin, Edward	Dana Libby/Doug Henson		
Gervais, Gabriel	Peter Cross	5355	
Herring, Brad	Nicholas Nowlan		
Lackey, Bradley	Merrill Mundell, Jr.	5228	
Naaktgeboren, David	Ellis Speath Jr.		
Pahel, James			

Name of Board Member Assigned		Timothy Ruggles
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date
Beal, Alger, R	David Mance Jr.	5-19-09 / 1122.5
Cummings, Steven	Ronald Taber	687.7
Falk, Michael	David Rose	3762.75
Hammond, Barton	Ronald LaRose	3119.5
Sargent, Scott	William Creamer	

Name of Board Member Assigned		Shane Clark
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date
Holstein, Jamey	Len Amblo	
Otis, Randall	Ronald Gauthier	
Reed, Mathew	Ronald Stancliff	1310.5
Ruderman, Brad	John Thetford	7-21-09 / 3415.75
Smith, Alex	Doug Henson	7-21-09 / 2361
Walker, Mark	Richard Bell	534.5
Whitehead, Chad		

Name of Board Member Assigned		Jonathan Abts
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date
Fuller, Aaron	Steven Brooks	
Kittredge, Seth W.	Ronald LaRose	7-21-09 / 3490.5
Paire, Uriah	Lisa Ginett	
Peacock, Gregory		
Riley, Jason, M	Steven Fraser/David Hudson	
Wilson, Terry	Richard Bell	5-19-09 / 623
Yager, Nathan, O	David Rose	